

## Policy Prohibiting Discriminatory Harassment, Intimidation, and Insult

Current Revision: November 2001

Revision: January 2001

### Purpose

Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Vocational Rehabilitation Act, and the Kansas Act Against Discrimination, require that an employer maintain an atmosphere free of discriminatory harassment, intimidation and insult.

### Definitions

Discriminatory harassment, intimidation and insult are defined as any slur, joke or demeaning and derogatory language or behavior, whether written or spoken, against a person because of their race, sex, color, religion, national origin or ancestry, physical or mental disability, age, marital status, or veteran status.

Although sexual orientation is not a protected class, harassment based on sexual orientation is also prohibited.

### Policy

The City of Wichita will not tolerate discriminatory harassment, intimidation or insult as defined and will vigorously enforce this policy. City employees who violate this policy will be promptly and severely disciplined.

It will be a violation of this policy for any person employed by the city to harass, intimidate or insult any other City employee pursuant to this policy.

It will be a violation of this policy for any person employed by the City as a supervisor or in a supervisory capacity who knows or should have known of incidents which violate this policy and fails to take corrective action or when no corrective action is taken, fails to report the incident to the appropriate department head. All City supervisors or persons acting in a supervisory capacity observing a violation of this policy and who take corrective actions pursuant to this policy must document the incident and the corrective action taken and retain such documentation for a period of two years. Copies of such documentation must be provided to the Affirmative Action Administrator in Personnel for retention purposes.

### Enforcement of Policy

Each department head will ensure that this policy is made known to the departmental employees and that copies of the attached notice are posted in all work places within the department.

Prevention is the best tool for elimination of discriminatory harassment, intimidation and insult. However, in the event such incident is not prevented from occurring, this policy will be strictly enforced and those violating this policy will be subject to the disciplinary authority of the

appropriate department head or the City Manager. The minimum discipline for any employee violating this policy shall be as follows: first violation -- written reprimand; second violation -- three-day unpaid suspension for nonexempt employees, five-day unpaid suspension for exempt employees; and third violation -- termination. Discipline more than the minimum may be imposed if the severity of the violation warrants such action.

Any City employee who is subjected to language or behavior which violates this policy has the right to file a discrimination complaint with the City's Affirmative Action Administrator, any department EEO Officer, or any person within the employee's chain of command. The employee may also file a grievance by following the City's internal Grievance Procedure as outlined in the Personnel Manual, if protesting lost wages or unfair discipline.

A City employee subjected to language or behavior which violate this policy also has the right to file a complaint with the Equal Employment Opportunity Commission, Kansas City District Office, 911 Walnut Street, Room 500, Kansas City, Missouri, 64106; and/or the Kansas Human Rights Commission, 130 S. Market, Suite 7050; Wichita, KS 67202.

#### Employee Cooperation

All City employees are directed to cooperate in any investigation conducted pursuant to this policy. Any employee who fails or refuses to cooperate may be subject to disciplinary action.

#### Confidentiality

All proceedings conducted pursuant to this policy will be confidential. Only persons with a "need to know" will have knowledge of the actions related to the investigation and resolution of the incident. All records, reports or written statements or documents which are a part of any proceeding pursuant to this policy will not be a part of the public records of the City. All persons, including witnesses participating in any way in any investigation, hearing or proceeding, will exercise extreme care to assure the confidentiality of any information relative to the investigation, hearing or proceeding. However, the confidential nature of these proceedings will not prevent witnesses from discussing the facts pertaining to the complaint with the City Attorney, the City Manager, Employee Relations Officer, the department head or the attorney or representative of the accused party.

#### Application of Policy to City Boards and Agencies.

This policy will apply to all City Employees and Board representatives.

Chris Cherches  
City Manager

Attachment